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10/032,872	12/26/2001	Dennis Boyd	26422/20650	7442

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EXAMINER

HO, THOMAS Y

ART UNIT PAPER NUMBER

3677

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/032,872

Applicant(s)

BOYD, DENNIS

Examiner

Thomas Y Ho

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 3-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-16, 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-9, 11-16, and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Pekar US5638565.

As to claim 1, Pekar discloses, an air mattress comprising: a first inflatable compartment 13 having a first layer 40', a second layer 42', and a periphery defining a length and a width; a second inflatable compartment 11 having at least one additional layer 40 and extending generally said length and width of said periphery, said second inflatable compartment being tufted; and a perimeter seal 48 connecting said first inflatable compartment to said second inflatable compartment, wherein said perimeter seal is recessed from said periphery; wherein said second layer 42' forms a boundary surface between said first inflatable compartment 13 and said second inflatable compartment 11 and contains a plurality of fluid communication channels 22 between said first compartment and said second compartment, said fluid communication channels providing fluid communication between the first and second inflatable compartments to enable fluid in one of the first and second inflatable compartments to flow into the other of the first and second inflatable compartments.

As to claim 3, Pekar discloses, the air mattress as set forth in claim 1, wherein said second inflatable compartment 11 further comprises a second additional layer 42 between said

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one additional layer 40 and said first inflatable compartment 13, said second additional layer being sealed to said second layer 42' of said first inflatable compartment adjacent to said plurality of fluid communication channels 22.

As to claim 4, Pekar discloses, the air mattress as set forth in claim 1, wherein said second inflatable compartment 11 further comprises a plurality of discontinuous seals 46. The seals 46 are discontinuous at and around the channels 20.

As to claim 5, Pekar discloses, the air mattress as set forth in claim 1, wherein said second inflatable compartment 11 further comprises a plurality of attachments 44 (see Figure 3).

As to claim 6, Pekar discloses, the air mattress as set forth in claim 1, further comprising a layer of cushioning material 44 within said second inflatable compartment 11 (see Figure 3).

As to claim 7, Pekar discloses, the air mattress as set forth in claim 6, wherein said layer of cushioning material 44 is selected from the group consisting of foams, gels, and liquids (col.6, ln.1-5).

As to claim 8, Pekar discloses, the air mattress as set forth in claim 1, further comprising a valve 24' (see Figure 9) between said first inflatable compartment 13 and said second inflatable compartment 11.

As to claim 9, Pekar discloses, the air mattress as set forth in claim 1, further comprising a valve 24 in said first inflatable compartment 11/13. As evidenced by Pekar in Figure 3, the compartments of Pekar are structurally identical, and either can be the first or second compartment.

As to claim 11, Pekar discloses, an air mattress comprising: a first inflatable compartment 13 having a first layer 40', a second layer 42', and sides with a length and a width and defining a

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periphery; a second inflatable compartment 13 having at least one additional layer 40 and extending generally the length and width of the periphery, said second inflatable compartment being tufted; a perimeter seal 48 connecting said first inflatable compartment to said second inflatable compartment, wherein said perimeter seal is spaced a distance from the periphery; and a fluid communication channel 22 between said first inflatable compartment and said second inflatable compartment, said fluid communication channels providing fluid communication between the first and second inflatable compartments to enable fluid in one of the first and second inflatable compartments to flow into the other of the first and second inflatable compartments.

As to claim 12, Pekar discloses, the air mattress as set forth in claim 11, wherein said second inflatable compartment 11 further comprises a plurality of discontinuous seals 46. The seals 46 are discontinuous at or near channels 20.

As to claim 13, Pekar discloses, the air mattress as set forth in claim 12, further comprising a layer of cushioning material 44 within said second inflatable compartment 11 (see Figure 3).

As to claim 14, Pekar discloses, the air mattress as set forth in claim 13, wherein said layer of cushioning material 44 is selected from the group consisting of foams, gels, and liquids (col.6, ln.1-5).

As to claim 15, Pekar discloses, an air mattress comprising: a first inflatable compartment 14' having a first layer 40', a second layer 42', and a periphery defining a length and a width; a second inflatable compartment 14,82 having at least one additional layer 40 and extending generally said length and width of said periphery, said second inflatable compartment being

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tufted; and a layer of cushioning material (gel; col.6, ln.55-65) in one of said first inflatable compartment and said second inflatable compartment (the gel is only in cavity 82 of the second inflatable compartment 14,82), wherein the other of said first inflatable compartment and said second inflatable compartment is inflated but does not contain a layer of cushioning material; wherein said second layer 42' forms a boundary surface between said first inflatable compartment and said second inflatable compartment and contains a plurality of fluid communication channels 22,22,22 (three of the channels 22 are the plurality of fluid communication channels; the fourth channel 22 is a valve because it can effect the rate of flow of fluid) between said first compartment and said second compartment, said fluid communication channels providing fluid communication between the first and second inflatable compartments to enable fluid in one of the first and second inflatable compartments flow into the other of the first and second inflatable compartments.

As to claim 16, Pekar discloses, the air mattress as set forth in claim 15, wherein said layer of cushioning material (gel; col.6, ln.1-5) is selected from the group consisting of foams, gels, and liquids.

As to claim 18, Pekar discloses, the air mattress as set forth in claim 15, wherein said second inflatable compartment 11 further comprises a second additional layer 42 between said one additional layer 40 and said first inflatable compartment 13, said second additional layer being sealed to said second layer 42' of said first inflatable compartment adjacent to said plurality of fluid communication channels 22,22,22.

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As to claim 19, Pekar discloses, the air mattress as set forth in claim 15, further comprising a perimeter seal 48 connecting said first inflatable compartment 13 to said second inflatable compartment 11, wherein said perimeter seal is recessed from said periphery.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pekar US5638565 in view of Chung US6332760.

As to claim 10, Pekar discloses, the air mattress as set forth in claim 9. Furthermore, it is inherent that there is some form of a pump to inflate the cushion of Pekar through the valve 24. The difference between the claim and Pekar is the claim recites, further comprising a pump connected with said valve. Chung discloses an inflatable cushion similar to that of Pekar. In addition, Chung further teaches to use a pump to connect with a valve to inflate a cushion. It would have been obvious to one of ordinary skill in the art, having the disclosures of Pekar and Chung before him at the time the invention was made, to modify the inflatable cushion of Pekar to include a pump, as in Chung, to obtain a pump to inflate the cushion. One would have been motivated to make such a combination because the ability to easily inflate and deflate the cushion would have been obtained, as taught by Chung (col.1, ln.1-30).

As to claim 20, Pekar discloses, the air mattress as set forth in claim 15, further comprising a valve 22 (three of the channels 22 are the plurality of fluid communication

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channels; the fourth channel 22 is a valve because it can effect the rate of flow of fluid) between said first inflatable compartment 13 and said second inflatable compartment 11. Chung teaches a pump in fluid communication with said valve.

***Response to Arguments***

Applicant's arguments, see Amendment C, filed 9/23/03, with respect to the rejection(s) of claim(s) 1, 3-16, and 18-20 under 35 USC 103a have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the art cited in the detailed action above.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US3879776 to Solen discloses a fluid mattress having variable tension, and fluid communication between first and second compartments.

US5566408 to McCarthy discloses a fluid mattress having fluid communication between first and second compartments.

US5647078 to Pekar discloses an inflatable structure having fluid communication between first and second compartments.

US5647079 to Hakamiun discloses an inflatable support surface having fluid communication between first and second compartments.

US5890245 to Klearman discloses a disposable ventilating mattress and method of making the same, showing multiple compartments in fluid communication.

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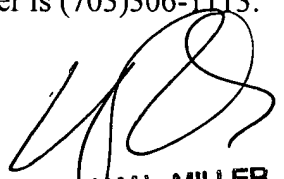
US6148461 to Cook discloses an inflatable support showing upper and lower compartments in fluid communication by way of a valve 33, while still allowing for easy adjustment of the rigidity of the top compartment, and maintaining the rigidity of the lower compartment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-1113.

TYH



**WILLIAM L. MILLER**  
**PRIMARY EXAMINER**